

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 13, 2025  
Board of County Commissioners: February 25, 2025

**APPLICANT:** DBR Group Florida, Suncoast Pines

**FILE NUMBER:** H-24-55

**REQUEST:** Rezoning from AG (Agricultural) to PDP(SF)/ Planned Development Project (Single Family) with Deviations

**GENERAL LOCATION:** West side of Anderson Snow Road, approximately 1,300' north of its intersection with Whiting Drive; Northern terminus of Tierra Drive.

**PARCEL KEY NUMBERS:** 378308, 378228

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### APPLICANT REQUEST

The petitioner requests a rezoning from AG (Agricultural) to PDP(SF)/ Planned Development Project (Single Family) with deviations in order to construct a single-family subdivision with sixty-one (61) dwelling units. Primary access to the development will be from Anderson Snow Road; with a secondary access connection to Tierra Drive. The petitioner proposes a 6,600 square foot minimum lot size, with a 1,500 square foot minimum living space and maximum 2 story homes.

#### Requested Deviations:

1. A five (5) foot reduction in the ten (10) foot side yard setback, changing it from ten feet (10') to five feet (5').
2. A fifteen (15) foot reduction in the twenty (20) foot rear yard setback, changing it from twenty feet (20') to five feet (5').
3. A 30% increase in the allowable lot coverage changing it from 35% to 51%.

### SITE CHARACTERISTICS

**Site Size:** 19.09 Acres

**Surrounding Zoning/  
Land Uses:** North: AG; Single Family  
South: PDP(SF); AG; Single Family  
East: PDP(OP); Undeveloped  
West: AR-2; Single-family dwelling and vacant.

**Current Zoning:** AG (Agricultural)

**Future Land Use  
Map Designation:** Residential

## ENVIRONMENTAL REVIEW

**Soils:** Candler Fine Sand

**Comments:** Candler Fine Sand provides habitat suitable for gopher tortoises (a listed species) and commensal species. A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional and submitted during the Conditional Plat stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

**Protection Features:** The subject property is in the Wellhead Protection Area adopted in 2019 with a small area on the southwest corner of the properties in the Active Wellhead Protection Area (WHPA). There are no special protection areas on these properties.

**Comments:** The petitioner is not requesting any uses that are prohibited within the Wellhead Protection Area (WHPA) listed in Chapter 28, Article VII, Section 28-266. The Wellhead Protection Area (WHPA) 1 designation determines that this subdivision must connect to public water and sewer for a density greater than 1 dwelling unit per acre.

It is the responsibility of the property owner to hire qualified and licensed consultants to determine the presence of a Wellhead Protection Area (WHPA) on the subject properties, if requested by the County.

**Hydrologic Features:** There are no designated wetlands on the subject property. The properties are not within a karst sensitive area and there are no previously identified sinkholes on or adjacent to the property.

**Habitat:** The subject property is designated *Residential Low Density, Rural Open Pine and Rural Open Forested*, according to FWC CLC mapping (Florida Cooperative Land Cover Classification System that combines Florida Land Use Cover and Classification System with fish and wildlife data).

**Comments:** According to the Florida Fish and Wildlife Conservation Commission (FWC) the subject properties have the potential to house the following endangered species: the American Kestrel, the Florida Mouse, The Sherman's Fox Squirrel, and the Gopher Tortoise.

A comprehensive faunal (wildlife) survey shall be prepared by a qualified professional and submitted during the Conditional Plat stage of development. The petitioner is required to comply with all applicable FWC regulations and permitting.

Invasive plant species, if present, shall be removed during the development process.

**Water Quality:**

The proposed development is within the Weeki Wachee Basin Management Action Plan (BMAP), the Weeki Wachee Spring Priority Focus Area (PFA) and the Weeki Wachee Outstanding Florida Springsheds (OFS).

**Comments:**

Implementation of Florida Friendly Landscaping™ principles, techniques, and materials designed to conserve water and reduce pollutant loading to Florida's waters is required. This will be addressed during the permitting phase of development.

The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable.

Natural vegetation is to be retained in the buffers and enhanced with trees and vegetation to meet 80% opacity requirement.

The Builder/Developer shall provide new property owners with Florida-Friendly Landscaping™ Program information and encourage the use of the principles, techniques, and landscaping recommendations. Information on the County's Fertilizer Ordinance and fertilizer use is to be included. Educational information is available through Hernando County Utilities Department. Providing information on Florida friendly landscaping techniques and proper fertilizer use is another opportunity to educate property owners on water quality. These materials are designed to address and help reduce nutrient pollution.

**Flood Zone:**

The subject properties are in the X flood zone.

**SCHOOL DISTRICT REVIEW:**

The applicant must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a certificate of concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for

each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.

### **UTILITIES REVIEW**

The Hernando County Utilities Department (HCUD) reviewed the petitioners request and provided the following comments:

- HCUD does not currently supply water or sewer service to these parcels.
- Water and sewer service are available to these parcels.
- HCUD has no objection to the request subject to a utility capacity analysis provided at the conditional plat stage of development.
- A connection to the central water and sewer systems shall occur at the time of vertical construction.
- If side yard setbacks under 10' are approved, the developer will need to provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.

### **ENGINEERING REVIEW**

The subject site is located on west side of Anderson Snow Road, approximately 1,300' north of its intersection with Whiting Drive; Northern terminus of Tierra Drive. Primary access to the development is proposed from Anderson Snow Road; with an additional stub out to Tierra Drive.

The County Engineer reviewed the petitioner's request and provided the following comments:

- The subject parcels are in the Pithlachascotee watershed, which is an Administrative Watershed. Please ensure the subdivision design is based on the current Governing Board Approved model, which is available through the Southwest Florida Water Management District.
- A Traffic Access Analysis (TAA) shall be performed and submitted to the Engineering Department. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer to install. Refer to Hernando County Facility Design Guideline IV-18.
- All roadway and driveway connections shall be installed to Hernando County Standards.
- A sidewalk shall be installed along the entire frontage of Anderson Snow Road (Collector Roadway).
- The subdivision shall provide a secondary access point to Tierra Drive.
- Additional right of way along Anderson Snow Road may be required. The petitioner shall work with the County Engineer to identify the right-of-way needed along Anderson Snow Road, at the time of construction drawing approval.
- Additional Guest Parking may be required to accommodate visitors of the residents.

**Comments:** The Engineering Department opposes providing a stub-out to Tierra Drive. A full connection to Tierra drive should be provided.

**LAND USE REVIEW**

**Setbacks and Parcels**

The petitioner proposes an accessory building setback of 5' from the side, rear lot boundaries; if the accessory structure is located in the secondary front the petitioner states that it should obey the setback requirements of the district for primary structures.

Proposed Building Setbacks

- Front: 25'
- Side: 5' (Deviation from 10') (*Appendix A, Article VIII, Section 1B*)
- Rear: 5' (Deviation from 20')
- Accessory Structures: 5' from the rear and side property lines. If located in the secondary front yard the setbacks are equal to the setbacks of the primary structure.

**Comments:** Staff does not recommend a side yard deviation to five (5) feet. Based on guidance from the Board of County Commissioners, no side yard setback should be smaller than 7.5'. Whiting Estates is the subdivision closest to this property; it is directly south of and shares a property line with Whiting Estates Phase 1. In Whiting Estates Phase 1, the minimum lot size is 7,500 square feet with 7.5' side yard setbacks. Furthermore, the proposed rear setback reduction should not be supported.

Perimeter Setbacks

Perimeter setbacks apply to the property boundaries. The petitioner has not proposed any perimeter setbacks. Staff recommends the following perimeter setbacks:

- North: 20'
- South: 20'
- East (Anderson Snow Road): 75'
- West: 20'

Proposed Minimum Lot Size: 6,600 square feet

Proposed Minimum Lot Width (measured at the setback line): 60'

Proposed Minimum living area: 1,500 square feet

Maximum Building Height: 35' or 2 ½ stories

Proposed Maximum building coverage: 51% (deviation from 35%)

**Comments:** Appendix A, Article VIII, Section 1 D. *Building Coverage* states: residential PDPs with single family or single family attached uses, and all PDPs with a residential component shall not exceed more than 35 percent building area coverage for the residential acreage. The petitioner is requesting a increase in the lot coverage to 51%. Consideration should be taken to the overall aesthetics of the project based on the list of deviations requested and appropriate performance conditions assigned to mitigate any potential concerns.

### Buffers

The petitioner has indicated a natural vegetated 10' buffer with a 6' vinyl fence on all sides along with this request. Considering BOCC directives and development patterns in the area, the following buffers are recommended:

- North: 20' natural vegetated buffer, enhanced to achieve 80% opacity within 18 months.
- South: 20' natural vegetated buffer, enhanced to achieve 80% opacity within 18 months.
- East: 20' landscaped to achieve 80% opacity within 18 months. (may be located within the perimeter setback)
- West: 20' natural vegetated buffer, enhanced to achieve 80% opacity within 18 months.

**Comments:** Buffers shall be shown and labeled on the master plan revision, due for submittal within 30 days of BOCC approval. Buffers may not be a part of any individual lot. Buffers shall be placed in a separate tract owned and maintained by the Homeowners' Association. A landscape plan for the buffer shall be provided at the time of conditional plat review.

### Neighborhood Park

All developments with 50 dwelling units or more shall provide and maintain a neighborhood park system for use by the residents of the subdivision in accordance with the requirements of the LDRs. The proposed phase contains more than 50 dwelling units. Neighborhood parks may count towards the minimum open space requirements. The amount of land provided and maintained as a neighborhood park shall be 1.0 acre for the first 50 dwelling units plus 1/100th of an acre for each dwelling unit over 50 up to 250 dwelling units, for a maximum of 3.0 acres. If approved, the development must meet the minimum neighborhood park requirements as required by the County's LDRs. Individual single-family and multifamily pods that exceed 50 dwelling units must provide a neighborhood park.

**Comments:** The petitioner has proposed a neighborhood park of 1.11 acres. This park shall be centrally located and be accessible to pedestrians, cyclists and

vehicles. The park area shall be clearly identified on the master plan revision due for submittal within 30 days of BOCC approval.

The land provided and maintained for use as a neighborhood park or parks shall be developable uplands exclusive of any drainage retention areas for the subdivision and wetland or environmental areas which are not incorporated into the park design (boardwalks, nature trails, educational and other passive purposes). Natural areas which are integrated into the park design may be utilized. In addition, the property shall not be encumbered by any restrictions that prevent its use as a neighborhood park site. *(Chapter 26, Article IV, Section 26-75(c))*

The approximate location and acreage of the neighborhood park system shall be identified within the project master plan. The final location of the park site(s), access and a list of proposed facilities shall be provided for review and approval during the conditional plat process. A neighborhood park(s) site plan, prepared by a registered landscape architect or professional civil engineer, shall be submitted for review and approval in conjunction with the final construction plans for the subdivision. Development of the neighborhood park system shall occur prior to receiving fifty-one (51) percent of the certificates of occupancy for the subdivision (based on complete build-out). *(Chapter 26, Article IV, Section 26-75(f))*

## COMPREHENSIVE PLAN REVIEW

### Future Land Use Map, Residential Category

The Residential Category accommodates residential growth clustered in and around urbanized areas and those areas that maximize the efficient use of infrastructure contained in long-range facilities plans of the County.

Objective 1.04B: The Residential Category allows primarily single family, duplex, resort and multi-family housing and associated ancillary uses such as recreational and institutional. Office and certain commercial uses may be allowed subject to the locational criteria and performance standards of this Plan. Residential density shall not exceed 22 dwelling units per gross acre.

Strategy 1.04B(2): Future residential development will be planned to locate where the Residential Category predominates on the Future Land Use Map as determined by the availability of facilities and services, the need to accommodate future growth, the strategies to discourage the proliferation of urban sprawl, and the impacts to natural resources, including groundwater.

**Comments:** The subject property is located on Anderson Snow Road. This is a highly active corridor that has recently had four to five subdivisions

approved within the past 2 years. The development of these properties with the proposed density is appropriate and does not contribute to urban sprawl.

Strategy 1.04B(3): The Residential Category will include zoning for single-family housing, generally averaging a density of 2.5 dwelling units per gross acre to 6.0 dwelling units per gross acre comprised of varying lot sizes and dwelling unit types such as senior housing, villa housing, single family detached housing, and zero lot line housing.

**Comments:** The proposed density is 3.2 (61 du / 19.09 acres). The density for the subdivision to the south is 2.26 (49 du / 21.68 acres). The difference between the two developments is 18 dwelling units. The proposed density is acceptable taking into account this area is beginning to see a surge in development and the agricultural areas surrounding the parcels will develop more intensely in the future.

## FINDINGS OF FACT

A rezoning from AG (Agricultural) to PDP(SF)/ Planned Development Project (Single Family) with Deviations is appropriate based on the following:

1. The subject properties have a Residential Future Land Use which allows residential subdivisions.
2. The proposed density of the project (3.2) is within the density identified as acceptable for the Residential Future Land Use.
3. The 5' reduction in the rear and side yard setback is not compatible with the nearest subdivision and is not recommended.
4. The increase in the lot coverage, changing it from 35% to 61%, should be evaluated in comparison to the surrounding area and existing development patterns.
5. The Engineering and Planning departments recommend connection to Tierra Drive.

## NOTICE OF APPLICANT RESPONSIBILITY

*The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.*

*The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowner's associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.*

*The applicant, property owner, or developer is responsible for ensuring the performance conditions established herein are provided to all contractors performing work for this project. All applications submitted for development activity on this project are expected to comply with the performance conditions established herein.*

## **STAFF RECOMMENDATION**

It is recommended that the Planning and Zoning Commission postpone their decision on this case and allow the petitioner to work with staff to address all the issues that were not mentioned in the narrative or master plan. Staff would like the master plan and narrative to contain more of the required information before there is an official ruling on the project from the Planning and Zoning Commission.

## **REVISED STAFF RECOMMENDATION**

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a rezoning from AG (Agricultural) to PDP(SF)/ Planned Development Project (Single Family) with Deviations with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The petitioner shall provide a comprehensive floral/faunal (wildlife) survey prepared by a qualified professional to identify any listed species present prior to any clearing or development occurring on the property. Furthermore, copies of any required FWC permits shall be provided prior to clearing or development.
3. The petitioner must meet the minimum requirements of Florida Friendly Landscaping™ publications and the Florida Yards and Neighborhoods Program for required plantings and buffers, as applicable. Implementation of Florida Friendly Landscaping™ principles, techniques, and materials, and are designed to conserve water and reduce pollutant loading to Florida's waters.
4. Minimum Building Setbacks:
  - Front: 25'
  - Side: 7.5' (Deviation from 10')
  - Rear: 20'
  - Accessory Structures: 5' from the rear and side property lines. If located in the secondary front yard, the setbacks shall be equal to the setbacks of the primary structure.
5. Minimum Perimeter Setbacks:
  - North: 20'

- South: 20'
  - East (Anderson Snow Road): 75'
  - West: 20'
6. Buffers:
- North: 20' natural vegetated buffer, enhanced to 80% opacity within 18 months.
  - South: 20' natural vegetated buffer, enhanced to 80% opacity within 18 months.
  - East: 20' landscaped (Anderson Snow Road) at 80% opacity within 18 months. (may be located within the perimeter setback)
  - West: 20' natural vegetated buffer, enhanced to 80% opacity within 18 months.
7. Minimum Lot Size: 6,600 square feet
8. No HVAC equipment shall be located within the side yards. HVAC equipment shall be located within the rear yards.
9. The Developer shall provide a utility capacity analysis in accordance with the requirements of the Utility Department at the time of conditional plat review and connect to the central water and sewer systems at time of vertical construction. The developer shall be expected to participate in and contribute their proportionate share toward any off-site capacity improvements determined by the utility capacity analysis. A Utility Service Agreement may be required.
10. The developer shall provide utility placement details showing the locations of all utilities on the conditional plat for lots with side setbacks of less than 10 feet.
11. A Traffic Access Analysis (TAA) shall be performed and submitted to the Engineering Department. Any improvements identified by the Traffic Access Analysis shall be the responsibility of the developer to install. Refer to Hernando County Facility Design Guideline IV-18.
12. All roadway and driveway connections shall be installed to Hernando County Standards.
13. A sidewalk shall be installed along the entire frontage of Anderson Snow Road (Collector Roadway).
14. The subdivision shall provide a secondary access point to Tierra Drive.
15. Additional right-of-way along Anderson Snow Road may be required. The petitioner shall work with the County Engineer to identify the right-of-way needs along Anderson Snow Road, at the time of construction drawing approval.
16. Additional Guest Parking may be required to accommodate visitors of the residents.

17. The developer shall provide 10% visitor parking throughout the development.
18. The petitioner must apply for and receive a Finding of School Capacity from the School District prior to the approval of the conditional plat or the functional equivalent. The County will only issue a Certificate of Concurrency for schools upon the School District's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of subdivision approval or site plan approval (or functional equivalent) for each level of school without mitigation, or with the execution of a legally binding proportionate share mitigation agreement between the applicant, the School District, and the County.
19. The petitioner shall provide a revised plan in compliance with all the performance conditions within 30 calendar days upon rendition of the resolution and the BOCC performance conditions. Failure to submit the revised plan will result in no further development permits being issued until submitted by the applicant.